

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

ANTHONY D. BOOKER,

Petitioner,

v.

**LORIE DAVIS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,**

Respondent.

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Civil Action No. 7:19-cv-073-O-BP

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

This is a habeas action brought pursuant to 28 U.S.C. § 2254 in which Petitioner challenges his conviction for the offense of burglary of a building and the resulting ten-year sentence. The United States Magistrate Judge entered his Findings, Conclusions, and Recommendation in which he recommends that the petition be dismissed as time-barred. *See* ECF No. 10. Objections were filed by Petitioner. ECF No. 13. The District Court reviewed de novo those portions of the Findings, Conclusions, and Recommendation to which objections were made and reviewed the remaining Findings, Conclusions, and Recommendation for plain error. Finding no error, I am of the opinion that the findings of fact, conclusions of law, and reasons for dismissal set forth in the Magistrate Judge's Recommendation are correct and they are hereby adopted and incorporated by reference as the Findings of the Court.¹

¹ The Court notes that October 8, 2017, the date on which Petitioner's conviction was to become final, was a Sunday. Therefore, Petitioner's conviction actually became final on Monday October 9, 2017, the last day on which he could have filed a notice of appeal. *See* Tex. R. App. P. 4.1(a). This determination has no impact on the result in this case.

For the foregoing reasons, the petition for writ of habeas corpus is **DISMISSED** with prejudice as **TIME-BARRED**.

SO ORDERED this **22nd day of October 2019**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE